HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 1159 of 2005

Appellants	1.	Dilip Dehriya, S/o Ram Prasad Dehriya, aged about 28 years, Occupation- Bicycle Repairing Shop, Adarsh Nagar Chowk, Durg, C.G.
	2.	Smt. Rukmani Dehriya, W/o Dilip Dehriya, Caste- Satnami, aged about 22 years, Occupation- House Wife. Both R/o Motilal Nehru Nagar, (Kundrapara) Near School, Potiyaroad, Durg, District- Durg (C.G.).
	Versus	
Respondents	1.	Markush Prakash, S/o David Prakash, aged about 34 years, R/o Baijnathpara, Khandelwal Colony, District- Durg (C.G.). (Owner and Driver of the Jeep Bearing Registration No. C.G. 07-ZA 1390 & Driving Licence No. 88/20721, Gondiya)
	2.	The New India Insurance Company Ltd. through its Divisional Manager, Parakh Bhawan, Station Road, District- Durg (C.G.) (Insurer of the Jeep Bearing Registration No. C.G. 07-ZA 1390 & Insurance Police No. 45/203/31/02/03700 was valid from 21.02.03 to 20.02.04)

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Jitendra Kumar Gupta, Advocate, for the appellants.

Mr. Sri Kumar Agarwal, Advocate for the Respondent No.2.

ORAL ORDER

(20th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. This is an appeal preferred by mother and father of the deceased child aged 4½ years on the date of death. The only contention urged by learned counsel for the appellants is that the M.A.C.T. has not awarded any compensation towards 'loss of filial love'.

Since the appellants- parents have lost their child of tender age, certainly they are entitled to the compensation under the said head. Therefore, we award sum of Rs. 20,000/- towards 'loss of filial love'. The impugned award shall stand modified accordingly. In all other respects the impugned award shall remain unaltered.

2. In the facts and circumstances of the case, both the parties are directed to bear their respective costs in this appeal.

Sd/-
CHIEF JUSTICE

Sd/-
SATISH K. ANGNIHOTRI
Judge

Thakur